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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,878	03/09/2004	Shinji Kuraoka	36502	2918

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PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
SUITE 1200  
CLEVELAND, OH 44114-3108

EXAMINER
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CHAU, COREY P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/796,878

Applicant(s)

KURAOKA ET AL.

Examiner

Corey P Chau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0076060 to Hall et al. (hereafter as Hall).

3. Regarding Claim 1, Hall discloses programmable headset and programming apparatus and method (i.e. an all-in-one headset to be worn on a user's head)(Fig. 1), comprising: a head band (105); a first housing arranged at one end of said head band, said first housing having an inside wall contacting with an ear lobule of said user, and an outside wall on the opposite side of said inside wall (Fig. 1); a boom member (135) stretching forward from said first housing; a second housing arranged at the top end of said boom member; a microphone (130) for converting the voice of said user into an electric signal, said microphone being housed in said second housing (Fig. 1); a communication unit for transmitting the electric signal converted by said microphone, and receiving an electric signal indicative of a communicating partner (110), with one communication mode between two communication modes using one communication channel between two communication channels (page 3, paragraph 0033; page 4, paragraph 0046), said communication unit being housed in said first housing (Fig. 1); an ear speaker (120) for converting the electric signal indicative of a communicating

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partner into sound, said ear speaker being arranged on said inside wall (Fig 1); an operating panel (Fig. 2) having a communication channel selecting switch (160) for outputting a communication channel selecting signal (page 3, paragraph 0033), and a communication mode selecting switch (162,164) for outputting a communication mode selecting signal; a control unit (i.e. it is inherent that the headset has a control unit in order perform operations requested from control buttons) for controlling said communication unit so as to operate with one communication mode selected in accordance with said communication mode selecting signal, using one communication channel selected in accordance with said communication channel selecting signal, said control unit being housed in said first housing; a display control signal generating unit for generating a display control signal indicative of the communication channel selected by said communication channel selecting signal and the communication mode selected by said communication mode selecting signal, said display control signal generating unit being housed in said first housing (Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051); and a display unit (158) for displaying a sign indicative of the communication channel selected by said communication channel selecting signal and the communication mode selected by said communication mode selecting signal in accordance with said display control signal generated in said display control signal generating unit, said display unit being arranged on the circumference wall of said second housing (Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051).

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4. Regarding Claim 2, Hall discloses said indicating unit includes at least two light emitting diodes, each thereof emits light of a color different from each other, and said display control signal generating unit controls on/off states and blinking patterns of said light emitting diodes (Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0076060 to Hall.

7. Regarding Claim 3, Hall discloses the headset may include an LED indicator or indicators (page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051), but only generally; no specific software or hardware is taught. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such a display control signal generating unit, which turns on one light emitting diode which emits light of color corresponding to said selected communication channel, and blinks said turned on light emitting diode a cycle corresponding to the selected communication mode by programming the programmable headset (page 3, paragraph 0038).

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8. Regarding Claim 4, Halls discloses headset may include an LED indicator or indicators, wherein light beam indicators and other indicators may be used, but only generally; no specific software or hardware is taught (Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize any known indicators such as an indicating unit consists of a liquid crystal display panel displaying at least two alpha-numerals.

9. Regarding Claim 5, Halls discloses headset may include an LED indicator or indicators, wherein light beam indicators and other indicators may be used, but only generally; no specific software or hardware is taught. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide said display control signal generating unit controls said liquid crystal display panel so that one alpha-numeral shows said selected communication channel, and the other alpha-numeral shows said selected communication mode by programming the programmable headset (page 3, paragraph 0038).

### ***Response to Arguments***

10. Applicant's arguments filed 3/07/05 have been fully considered but they are not persuasive.

11. With respect to Applicant's argument on page 8, stating that "Hall fails to disclose or suggest display unit for displaying a sign indicative of the communication channel and the communication mode arranged on the circumference wall of the second

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housing", has been noted. However the Examiner respectfully disagrees. Hall discloses **variety of indicator lights** as may be **desirable for operation**. For example, the electronics housing 110 may include **LED 158 for indicating use or other conditions**. The electronics housing may include **different further control, indicator** and other features that are desirable for headset operation. The main base unit 700 may also include numerous **LED indicators for showing** when each headset is in use, the **mode of use** (for example, talk or page), and/or which **channels are in use**, which show that LED indicators on the headset can also be used for showing such things as the **mode of use** (for example, talk or page), and/or which **channels are in use** because Hall discloses the LED on the headset is utilize for **desirable for operation and for indicating use or other conditions**. See Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 17, 2005

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PRIMARY EXAMINER